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LETTER DATED 1 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF QATAR TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With regard to the nineteenth review by the Security Council of the sanctions imposed on the Libyan Arab Jamahiriya by the Security Council in its resolutions 748 (1992) of 31 March 1992 and 883 (1993) of 11 November 1993 and as a result of the decisions on 27 February 1998 by the International Court of Justice relating to the cases brought against the United Kingdom of Great Britain and Northern Ireland and the United States of America concerning the aerial incident of Pan Am flight 103 at Lockerbie, United Kingdom, the Organization of the Islamic Conference is submitting the following views and decisions on the case in question.

In two separate judgments handed down on 27 February 1998, the International Court of Justice declared that it had jurisdiction to deal with the merits of the disputes between the Libyan Arab Jamahiriya and the United Kingdom and between the Libyan Arab Jamahiriya and the United States based on article 14, paragraph 1, of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed in Montreal on 23 September 1971. In its opinions, the Court therefore rejected the arguments by the United Kingdom and the United States that even if the Montreal Convention conferred on the Libyan Arab Jamahiriya the right to try the suspects itself, those rights could not be exercised because they were superseded by Security Council resolutions 748 (1992) and 883 (1993). The Court stated: "In accordance with established jurisprudence, if the Court had jurisdiction on that date, it continues to do so; the subsequent coming into existence of the above-mentioned resolutions cannot affect its jurisdiction once established."

In the light of the foregoing, the Security Council resolutions serve no other purpose than to contravene the Court's power to adjudicate the cases on the merits and should either be suspended, or, in the alternative, be lifted pending the outcome of these cases. Furthermore, the Islamic summits, the last of which was held in Tehran in December 1997, the League of Arab States, the Organization of African Unity and the Non-Aligned Movement called upon the Security Council either to suspend or to lift the sanctions imposed on the Libyan Arab Jamahiriya. This was reaffirmed by the Council of Ministers of the Organization of the Islamic Conference held in Doha, Qatar, from 15 to 17 March 1998, which welcomed the two decisions of the International Court of

Justice and called upon the Security Council to suspend immediately the sanctions imposed on the Libyan Arab Jamahiriya pending the outcome of these two cases.

The decision of the Organization of the Islamic Conference has also been strengthened by the declaration of the Ministerial Conference of the Non-Aligned Movement, held in Cartagena, Colombia, from 18 to 20 May 1998. The Ministerial Conference recommended to the twelfth summit of the Movement to decide to discontinue compliance with the Security Council resolutions if the concerned States do not respond favourably to the above options at the time of the sanctions review in July 1998.

The decisions adopted by these forums are based on the Charter of the United Nations and represent the position of the majority of the international community. The member States of the Organization of the Islamic Conference maintain the view that compliance with the decisions of the International Court of Justice, as well as responding to the will of the international community, will serve to strengthen the credibility of the principal organs of the United Nations.

In conclusion, the Organization of the Islamic Conference calls upon the Security Council to accept either of the following options:

1. The suspension of the sanctions imposed on the Libyan Arab Jamahiriya pending the decisions of the International Court of Justice on the merits concerning this issue; or

2. The immediate lifting of the sanctions imposed on the Libyan Arab Jamahiriya.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Nasser bin Hamad AL-KHALIFA
Permanent Representative of the
State of Qatar to the United Nations
and Chairman of the Islamic Group